IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CONTEMPT CRIMINAL PETITION NO. 1 OF 2004

Farooq Sultan Shaikh ...Petitioner
Vs.
The State of Maharashtra & Ors. ...Respondents

Mr. A.Q.Ansari for Petitioner
Ms. Kantharia , A.P.P. for Respondents

CORAM: H.L.GOKHALE &
S.P.KUKDAY,JJ.
DATED: 13TH JUNE, 2005

P.C.

1. Heard Mr. Ansari for the Petitioner. Ms. Kantharia , A.P.P. appears for the State. The Petition is filed to seek an action in contempt against Respondent Nos.2 and 3 for their failure to call for the case diary as per the order passed by a single Judge on 16th September, 2002. The grievance of the Petitioner is that he and some others had been prosecuted for same incident, the others were released on bail whereas the Petitioner was not. That submission was made before a single Judge and to ascertain the situation the case diary was called for. The grievance is that the same was not produced and therefore, the Petitioner languished for a little longer time.

2. On a query Mr. Ansari informs that subsequently in the trial the Petitioner and the others have been convicted, though Petitioner’s appeal has been admitted and he is released on bail. In the

circumstances he leaves it to the Court to pass appropriate orders.

3. We have considered the submission of Mr. Ansari. The fact remains that the Respondent Nos.2 and 3 ought to have called the case diary as directed by the Single Judge. We direct the Registrar, Appellate Side (Criminal), High Court, Mumbai to take a strict note of the resultant situation. However, considering the fact that now all are treated equally, the Petitioner's appeal is admitted and he is on bail, we do not think it fit to take any action. The Petition is disposed of accordingly.

(H.L.GOKHALE,J.)

(S.P.KUKDAY,J.)